

REMARKS

In the Office action made final dated January 14, 2004, claims 18-27 have been rejected. However, the Examiner indicates that claims 20, 24, 25 and 27 would be allowable if rewritten to overcome the rejections under of 35 U.S.C. §112 and to include all of the limitations of the base claim and any intervening claims.

Accordingly, applicant has amended the claims to overcome the rejections under 35 U.S.C. §112 and to include the limitations of the base claim and any intervening claims.

Moreover, applicant believes the Examiner's position regarding claim 20 is improper. Specifically, the Examiner states that claim 20 is inconsistent with the disclosure of the invention. Although the Examiner indicates that the claims are inconsistent with the disclosure, such is not the case. As set forth in the disclosure and the claims the sensors joined to the controller (20) are those contained within the flight data recorder, not the aircraft's own flight data instruments. Indeed, as shown in Figs. 1a, 2 and 3, the Sensor Signal Conditioning Module (22) is contained with the flight data recorder. Thus, the accelerometer (86), air pressure sensor (108), flap position indicators and gyroscope (118) shown in Fig. 3 are sensors contained within the flight data recorder, not the corresponding sensors or flight instruments manufactured with the aircraft. Accordingly, for example, the aircraft may have its own pressure sensor and the flight data recorder also has its own separate pressure sensor. Consequently, the flight data recorder does not need to be connected to the aircraft's flight instruments it works off its own separate instruments.

Moreover, page 10, paragraph 4 and page 13, paragraphs 3, 4, 5, etc., referred to by the Examiner discuss the sensors (i.e., instruments) contained in the flight data recorder, not the aircraft's original sensors or instruments. As a result, the flight data recorder is connected to the aircraft's power supply and ignition switch, but not necessarily any of the aircraft instruments.

Using the sensors from the flight data recorder obviates the need for pilots to tamper with the aircraft's flight instruments thereby avoiding FAA rules and regulations and eliminating accidental damage to vital aircraft instruments.

Thus, the identified limitation of claim 20, which has been incorporated into claim 18 via amendment, is not inconsistent with the disclosure thereby alleviating any concern

regarding 35 U.S.C. §112.

In addition, the Examiner states that the terms "low power" and "short communications range" of claim 21 are unclear. However, the specification clearly provides guidance regarding the meaning of "low power" and "short communications range." Specifically, page 16 recites in pertinent part that "[T]he power output is in the range of several milliwatts since the transceiver is designed to work over short distances, namely 50 to 100 meters." The sentence alone provides guidance for the meaning of the terms "low power" and "short communications range." Thus, the identified limitations of claim 21 are not unclear thereby alleviating any concern regarding 35 U.S.C. §112.

Please note that a Supplemental Declaration and Power of Attorney for Patent Applications was filed with the Amendment After Final Rejection yet our office did not receive a copy of the Advisory Action until July 13, 2004 from our client. Please send all future communications to our office so as to avoid any undue delays and possible untimely filings.

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.